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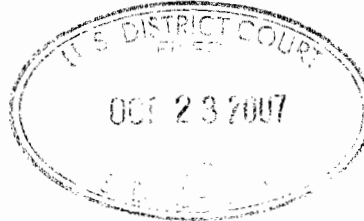
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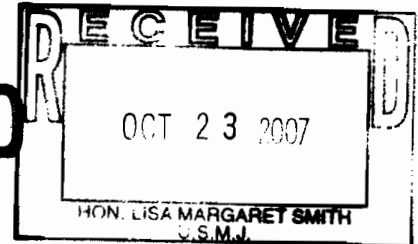
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October 22, 2007

VIA FEDERAL EXPRESS

MEMO ENDORSED



Hon. Lisa M. Smith
Chief U.S. Magistrate Judge
United States Courthouse
Southern District of New York
300 Quarropas St., Rm. 428
White Plains, New York 10601

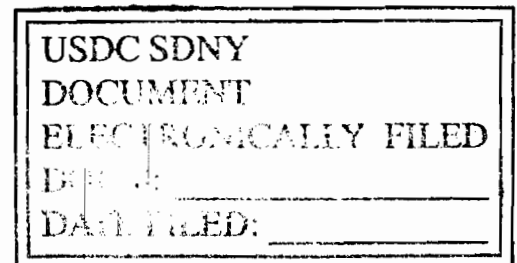
Re: **Medtech Prods., Inc. v. DenTek Oral Care, Inc., et al.,**
No. 07-CV-3302 (KMK)(LMS)

Dear Judge Smith:

This firm represents defendant Kelly Kaplan in connection with the referenced matter. In accordance with Your Honor's Individual Practices, I write respectfully to request that the time for Ms. Kaplan to respond or otherwise move with respect to plaintiff Medtech Products, Inc.'s ("Plaintiff's") second amended complaint (the "Amended Complaint") be extended until November 28, 2007.

Ms. Kaplan only became a party to this case when she was served with a summons and the Amended Complaint on October 8, 2007. Ms. Kaplan's response to the Amended Complaint is currently due on October 29, 2007. This is Ms. Kaplan's first request for an extension. We have sought Plaintiff's consent to this application; however, Plaintiff's counsel (Amy Manning, Esq.) has agreed only to a two week extension of time. Counsel has not provided any reason for her refusal to consent to a further extension.

The Amended Complaint consists of 298 paragraphs (not inclusive of the prayer for relief section) spread over 63 pages, contains a voluminous exhibits addendum, and seeks damages from Ms. Kaplan based on breach of contract, civil conspiracy, trade secret misappropriation and



Deemed letter motion. Motion granted only to the extent that any responsive pleading shall be served and filed on or before 10/23/07. 10/23/07

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tortious interference theories. In order to respond to this lengthy and complex Amended Complaint, counsel will be required to master the factual background of this case, consider complex legal issues, and determine whether a Rule 12 motion is appropriate, and if so, brief the motion.

Accordingly, it is respectfully submitted that the extension of time sought is reasonable in the circumstances, and we respectfully request that Your Honor grant Ms. Kaplan an extension of her time to respond or otherwise move with respect to the Amended Complaint until November 28, 2007.

Respectfully submitted,

JOHN PAUL FULCO, P.C.

By: 

John Paul Fulco

JPF:pg

cc: All counsel of record via facsimile and first class mail